

Amendment under 37 C.F.R. § 1.111  
Appln. No. 10/026,210

Attorney Docket No.: 27475/07081

### REMARKS

Claims 16-17, 23, and 25-28 are all the claims now pending. Claim 24 has been canceled. Claims 27-28 have been added as new claims

Claims 16-17, 23 and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over either one of Gade (U.S. Patent No. 1,592,353), Fife (U.S. Patent No. 3,012,251) or Cool et al (U.S. Patent No. 5,813,431) in view of Jeffress et al (U.S. Patent No. 5,232,008) and in further view of Howell (U.S. Patent No. 5,275,199). Applicant traverses these rejections for at least the reasons discussed below.

To establish a *prima facie* case of obviousness the Examiner must show that the prior art references, when combined, teach or suggest all of the claim limitations. *See MPEP § 2143*. Applicant respectfully submits that the references cited above by the Examiner fail to teach or suggest all of the claim limitations as set forth in the present application. Specifically, regarding independent claims 16 and 25, the references fail to teach or suggest "fastening means mounted on each waterway on the visible surface, each fastening means including means for attaching and removing its respective functional and decorative element from only the visible surface of the support."

The Examiner readily acknowledges that Gade, Fife and Cool fail to teach "a faucet plumbing fixture with a water way having a support structure for easily mounting and removing a decorative element or spout" and also fail to teach "a shower head fixture with a water way having a support structure for easily mounting and removing a decorative element or shower head." *See Office Action, pages 2-3*. In an attempt to overcome the deficient teachings of Gade, Fife and Cool, the Examiner relies on Jeffress and Howell. However, both Jeffress and Howell fail to cure the deficient teachings of Gade, Fife and Cool.

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Independent claims 16 and 25 recite that each fixture has "fastening means *mounted on each waterway on the visible surface*, each fastening means *including means for attaching and removing its respective functional and decorative element* from only the visible surface of the support." (Emphasis added). As the Examiner has essentially acknowledged, Gade, Fife and Cool all fail to teach fastening means mounted on the waterway on the visible surface. Consequently, Gade, Fife and Cool also fail to teach fastening means *having means for attaching and removing the functional and decorative element*.

Jeffress also fails to cure these deficient teachings of Gade, Fife and Cool. Specifically, referring to Fig. 1 of Jeffress, it can be seen that the alleged waterway 31 does not have any fastening means mounted thereon. The spout 44 is secured by turning spout bolt 38 (which is not mounted on the waterway 31) to cause the threaded area 42 to coact with internal threads on the spout 44. *See col. 3:13-22*. In other words, any fastening is not performed by any element mounted on the waterway 31. Therefore, Jeffress fails to teach a fastening means mounted on each waterway as recited in claims 16 and 25.

Howell also fails to cure the same deficient teachings of Gade, Fife, Cool and Jeffress. Howell teaches an inner wall mount 12 and an outer wall mount 34 which acts like a nut for a stem portion 16 of the inner wall mount 12. Howell fails to teach fastening means mounted on a waterway. The Examiner is also silent with respect to where this limitation is taught or suggested by Howell. Thus, Howell also fails to cure the deficient teachings of Gade, Fife, Cool, and Jeffress.

As explained above, none of the references cited by the Examiner teach or suggest "fastening means *mounted on each waterway on the visible surface*, each fastening means *including means for attaching and removing its respective functional and decorative element*

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from only the visible surface of the support." As a result, Applicant submits that the Examiner has failed to establish a prima facie case of obviousness. Therefore, Applicant respectfully requests that the rejection of independent claims 16 and 25 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Since claims 17, 23 and 26 depend from either claim 16 or 25, and since the cited references do not disclose all of the limitations of either claim 16 or 25, Applicant submits that claims 17, 23 and 26 are patentable at least by virtue of their dependency from either claim 16 or 25. Accordingly, Applicant respectfully requests that the rejections of claims 17, 23 and 26 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

With regard to new claims 27-28, none of the references alone or in combination teach a plurality of plumbing fixture having a common decorative theme in which all of the decorative elements can be removed from without affecting underlying waterway connections.

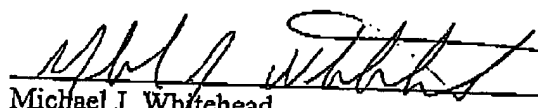
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 03-0172. Please also credit any overpayments to said Deposit Account.

Respectfully Submitted,

Date:

1/14/05

  
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